

REMARKS

Claims 39 and 61 are canceled. New claims 72-87 are added.

The specification is amended to delete the heading: Abstract. Additionally, the paragraph that followed the heading "Abstract" is deleted. Furthermore, a paragraph with the heading, Abstract, is added as a separate new page. Therefore, the objection against the abstract is rendered moot and should be withdrawn.

Independent claim 37 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Dependent claims 38-59 are rejected, at least, under 35 U.S.C. §112 due to their dependency to independent claim 37. The Examiner states that once the §112 rejection against independent claim 37 is overcome, dependent claims 42 and 52-59 would be allowable.

Independent claim 37 is amended as suggested by the Examiner to overcome the §112, second paragraph, rejection. Therefore, the rejection is rendered moot and should be withdrawn. Logically, dependent claims 42 and 52-59 are allowable having no other rejection presented against them.

Accordingly, as suggested, allowable dependent claim 42 is rewritten in independent form as new independent claim 72. Consequently, new independent claim 72 is allowable. Moreover, allowable dependent claim 52 is rewritten in independent form as new independent claim 73. Consequently, new independent claim 73 is allowable.

New dependent claim 74 depends from allowable independent claim 73, and therefore, claim 74 is allowable. Moreover, dependent claim 74

recites the limitations of allowable dependent claim 53, and for this additional reason, is allowable.

Furthermore, as suggested, allowable dependent claim 54 is rewritten in independent form as new independent claim 75. Consequently, new independent claim 75 is allowable. Still further, as suggested, allowable dependent claim 55 is rewritten in independent form as new independent claim 76. Consequently, new independent claim 76 is allowable. And still further, as suggested, allowable dependent claim 56 is rewritten in independent form as new independent claim 77. Consequently, new independent claim 77 is allowable.

New dependent claims 78-80 depend from allowable independent claim 77, and therefore, claims 78-80 are allowable. Moreover, dependent claims 78-80 recite the limitations of allowable dependent claims 57-59, respectively, and for this additional reason are allowable.

Dependent claims 40 and 46 are rejected under §112 second paragraph as being indefinite which is separate from the §112 rejection against independent claim 37 from which both depend. Dependent claim 40 is amended to positively recite the value of "width s" as disclosed by the originally-filed application at page 7, first paragraph. As amended, claim 40 is definite and overcomes the §112 rejection. Consequently, the §112 second paragraph rejection against claim 40 is rendered moot and should be withdrawn.

Regarding dependent claim 46, the Examiner has confirmed via an Examiner Interview that dependent claim 46 will be allowable once this §112 rejection is overcome. Accordingly, claim 46 is amended to clarify that the recited ratios are a range of ratios as specifically disclosed at page 10 of the originally-filed application. As amended, dependent claim 46 is definite and overcomes the §112 rejection. Consequently, the §112 second paragraph rejection against claim 46 is rendered moot and should be withdrawn. Still further, claim 46 is allowable for having no other rejection presented against the claim. Accordingly, dependent claim 46 is rewritten in independent form as new independent claim 81. Logically, new independent claim 81 is allowable.

Claims 63 and 67-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, as suggested, allowable dependent claim 63 is rewritten in independent form as new independent claim 82. Consequently, new independent claim 82 is allowable. Moreover, allowable dependent claim 67 is rewritten in independent form as new independent claim 83. Consequently, new independent claim 83 is allowable. Furthermore, allowable dependent claim 68 is rewritten in independent form as new independent claim 84. Consequently, new independent claim 84 is allowable. Still further, allowable dependent claim 69 is rewritten in

independent form as new independent claim 85. Consequently, new independent claim 85 is allowable.

New dependent claims 86-87 depend from allowable independent claim 85, and therefore, claims 86-87 are allowable. Moreover, dependent claims 86-87 recite the limitations of allowable dependent claims 70-71, respectively, and for this additional reason are allowable.

Claims 37-40, 43-45, 47-51, 60, 61, and 64-65 are rejected under 35 U.S.C. §102(b) as being anticipated by Muraki et al (U.S. Patent 5,463,497). Claims 41 and 62 are rejected under 35 U.S.C. §103(a) as being unpatentable over Muraki and further in view of the article by Wang et al., entitled: "*Speckle Reduction in Laser Projection Systems by Diffractive Optical Elements*".

Regarding independent claim 37, the claim is amended to include the limitations of dependent claim 39. Accordingly, claim 37 recites: "wherein the variations in the width s are of the order of magnitude of the spatial coherence length of the laser radiation at the entrance plane." Consequently, claim 37 is positively reciting a **relationship** between the *magnitude* of "variations in the width s" and the *magnitude of the spatial coherence length of the laser radiation*. That is, both are "of the order of magnitude" as positively recited. However, to allegedly teach this limitation, the Examiner relies on column 21, lines 25-31 of Muraki (page 3, paragraph 3 of office action having mail date of 10/30/2008). This teaching of Muraki, and including the entire teachings of Muraki, do not discuss nor teach a

relationship between the *magnitude* of “variations in the width s” and the *magnitude of the spatial coherence length of the laser radiation* as positively recited by claim 37. Accordingly, it is inconceivable that Muraki teaches or suggests “the variations in the width s are of the order of magnitude of the spatial coherence length of the laser radiation at the entrance plane” as positively recited by claim 37. Since a claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), independent claim 37 is allowable.

Claims 38 and 40-59 depend from allowable independent claim 37, and therefore, the dependent claims are allowable for depending from an allowable independent claim.

Regarding independent claim 60, the claim is amended to include the limitations of dependent claim 61. Accordingly, claim 60 recites: “wherein the variations in the width s are of the order of magnitude of the spatial coherence length of the laser radiation at the entrance plane.” Consequently, independent claim 60 is positively reciting a **relationship** between the *magnitude* of “variations in the width s” and the *magnitude of the spatial coherence length of the laser radiation*. That is, both are “of the order of magnitude” as positively recited. However, to allegedly teach this limitation, the Examiner relies on column 21, lines 25-31 of Muraki (page 3, paragraph 3 of office action having mail date of 10/30/2008). This teaching


of Muraki, and including the entire teachings of Muraki, do not discuss nor teach a relationship between the *magnitude* of "variations in the width s" and the *magnitude of the spatial coherence length of the laser radiation* as positively recited by claim 60. Accordingly, it is inconceivable that Muraki teaches or suggests "the variations in the width s are of the order of magnitude of the spatial coherence length of the laser radiation at the entrance plane" as positively recited by claim 60. Since a claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), independent claim 60 is allowable.

Claims 62-71 depend from allowable independent claim 60, and therefore, the dependent claims are allowable for depending from an allowable independent claim.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 3-30-09

By: 
D. Brent Kenady
Reg. No. 40,045